

PROTESTANT LIBERTY AND CATHOLIC LOYALTY

SOME CONSIDERATIONS ON "LIBERTY AND
LOYALTY," A RECENT CHARGE OF
THE BISHOP OF VERMONT

By
REV. S. C. HUGHSON, O. H. C.

HOLY CROSS
WEST PARK, NEW YORK
1916

PROTESTANT LIBERTY AND CATHOLIC LOYALTY

WHAT was the principle of the Reformation? Some would express the question differently by asking: "Did the Reformation represent any principle whatever, or was it a movement based on a shifting expediency?" Certain it is that if we enquire concerning the principle that underlay the treatment of detailed doctrines it is sometimes hard to find. For example, what was Cranmer's real principle regarding the Invocation of Saints? Was it represented in the Litany of 1544, which contained direct requests to the Saints for their prayers, or in the Prayer Book of 1549 which omitted all such references?

Again, was the Reformation principle regarding the Reservation of the Blessed Sacrament exemplified in the Prayer Book of 1549 which directed Reservation, or in the Book of 1552 which omitted all mention of it, or in the Latin Prayer Book of 1560 which restored the direction? Or, again, did the compilers of the Book of 1560 at that time accept the practice of reserving, but change their view by 1563 and forbid it in Article XXVIII?—for it will be remembered that the same group of men did both pieces of work. And if they meant to forbid it in the Article, who will explain the fact that they allowed the Book of 1560 to remain in force, which it did until over forty years later, into the reign of James I?

Many more illustrations of this kind could be cited to show the difficulty of ascertaining the principle upon which certain doctrines were dealt with during the Reformation period.

But does this mean that the Reformation movement in the Church was based on no ascertainable principle? Far from it. There was one great and fundamental principle that was enun-

ciated again and again. This was that the appeal of the Church of England was to the Holy Scriptures as interpreted by the Faith and Practice of the primitive ages; and both in her official documents and in the pronouncements of her greatest dignitaries she has repeatedly declared this to be her purpose. What the primitive Church taught she taught; what it condemned she condemned; what it allowed she left her children free to use at their discretion.

The question then arises: "What were the primitive ages?" Again, the Church is explicit in defining what she meant. The "Ten Articles" of 1536 accepted as the standard of doctrine the Scriptures interpreted by the "four holy Councils." This brings us down to A.D. 451. In 1547 the Cup was restored to the laity on the ground that it was the practice "of the Primitive Church by the space of five hundred years and more after Christ's Ascension."

Lathbury, commenting on Bishop Jewel's well known appeal to the first six centuries, says: "On this ground did all the great men of the time of Elizabeth and James I. take their stand."*

Coming down to our own times, among the resolutions proposed at the first Lambeth Conference in 1867, occurs the following paragraph: "We, the Bishops of Christ's Holy Catholic Church, professing the faith of the primitive and undivided Church as based on Holy Scripture, *defined by the first four General Councils*, and reaffirmed by the Fathers of the English Reformation."†

Dr. Wace, the Dean of Canterbury, one of the ablest Protestant protagonists in the Church of England, in an address de-

*See Lathbury, *History of Convocation*, p. 235.

†Davidson, *Lambeth Conferences*, p. 57.

livered in 1902 is quoted as declaring that he "would not question any doctrine practised by any clergyman if it were but the maintenance of the practice of the Church of the first five centuries."*

The last pronouncement to which we would call attention is a notable one in a book by the Rev. A. J. Mason, Canon of Canterbury Cathedral.

"It is necessary," he says, "to remember that the reformed Church of England has always refused to be considered as an offspring of the age of the Reformation. It does not start with a constitution drawn up for the first time in the sixteenth or seventeenth century. It claims continuity with the Church of apostolic times. It inherits the vast store of earlier traditions, except where it has expressly or tacitly repudiated any part of that store.

"Whatever can be shown to be the teaching of Scripture and of the unanimous voice of the early Church is for that very reason the teaching of the Church of England, even if it has not been explicitly accepted and professed. If in any point her formularies themselves should be found to contradict what is shown by a sounder exegesis to be the meaning of Scripture,—if a more thorough knowledge of history should prove that her divines misunderstood the practice or doctrine of the Fathers,—the representatives of the Church of England to-day would not stand committed to the mistake. The appeal to antiquity has already been provided for them in advance. The wise and learned men who shaped the system under which we live, consistently maintained that they were devising nothing new, but returning to the old,—and to the old not as contained only in the New Testament, but as exhibited in the early undivided Church. They did not treat the New Testament, as some of the continental reformers and of their scholars in this island treated it, or as many critics of the present day treat it, as if it had come

**Ladies' League Gazette*, January, 1903.

into their hands from an unknown world to be deciphered for the first time, regardless of the Church life out of which it sprang. Their one desire was to be faithful to the Scripture; but for that very reason they used for its interpretation, though not without criticism, the commentary supplied by the fathers, and by the histories, and by the enactments of primitive Christianity."*

So, from the first breach with Rome under Henry VIII. until our own generation there is an unbroken chain of evidence that the Anglican Church in her Reformation appealed to the doctrines and customs of the first five or six hundred years. However inconsistent, or even disingenuous if you wish, certain of the Reformers were in their course, their public profession was that they were at every point contending for this primitive doctrine and practice.

It was the insistence on this fundamental principle of the Reformation that gave force to the work of the Tractarians and to the Catholic movement which they initiated, and to-day the strength of the Catholic position lies just where it did fifty years ago,—in a faithful adherence to the doctrines and practice of the early Church.

Of late there have been disquieting signs of breaking away from this Reformation principle. Those who are not prepared to accept the old Faith and all that is legitimately to be developed from it, are seeking to escape this appeal.

This is showed in such language as the following, contributed to *The Pilot*, of March 7th., 1903, by the Rev. T. W. Lemon. Writing of Invocation of Saints he says: "It is no justification to say that the practice obtained in the fourth century, for the Church system of the Nicene period was in almost all essential respects the same as that of the more modern Romanism, and we must protest against both."

Even the English Archbishops, some years ago, when they delivered their "Opinion" against the use of incense, cited as a

*Mason: *The Church of England and Episcopacy*, pp. 1-2.

ground of objection to this universal practice that they could find no record of its use during the *first three centuries* after Apostolic times. They might have said the same thing of prayers addressed directly to the Holy Spirit; for the authorities tell us that there are no recorded forms of such until the fifth century. Dr. Percival says:

"I do not know of any direct prayer to the Holy Ghost before the fifth century, which is considerably later than the first mention we have of prayers to the Saints. 'Holy Mary, pray for us,' seems to have been an earlier form of Christian devotion than 'O Holy Ghost, have mercy upon us.' Of course, in both cases, the underlying doctrine had been held from the beginning."*

The trouble is that the age to which the Church appeals establishes too much. When Protestants begin to examine the appeal, they discover that it involves many things that they have no intention of accepting. It delivers the cause into the hands of the Catholics, and now, nearly four hundred years after the inception of the Reformation, they are beginning to take the position that it is unwise to accept the evidence of the ages which defined the Faith and the gave Church her Creeds.

The past year has seen a large output of literature bearing on this and kindred subjects. Among the most notable of these publications is the Charge delivered by the Bishop of Vermont to his clergy last May, entitled "*Liberty and Loyalty: Twin Watchwords of the Catholic Position.*"

Bishop Hall's Charge covers a wide range. Much of it cannot but awaken in the heart of every sincere Churchman profound gratitude that so strong a pronouncement has been made by a Bishop of the Church. It is especially timely, coming as it does on the eve of the meeting of the General Convention. His expressions on the general subject of doctrine and the "ethics of subscription" are marked by a balanced exactness and breadth that we should all do well to study. Bishop Hall

*H. R. Percival, *The Invocation of Saints*, pp. 155-156.

allows no leeway to those who repeat the Church's Creeds but refuse to accept the Church's interpretation of them,—“playing tricks with plain words” he styles it. At the same time he reminds us of the oft-forgotten fact that it is a part of the essence of Puritanism to demand “a minute exactitude in all manner of beliefs,” denying to men liberty of theological opinion “within the limits of the declaration of facts in the Creeds.” His statements concerning Apostolic Succession, Union Services, exchange of pulpits and the admission of sectarians to Holy Communion, could not we believe be improved upon.

So much for the good side of the Charge, and we thank God that it is very good; but having said this, we must be done with praise, for taken as a whole it cannot but be regarded as one of the gravest attacks that has been made upon the Anglican Reformation in our generation.

Bishop Hall is a delightful phrase-maker, and there is a charm about the title under which he publishes his Charge that is indeed rare. But fine as the title may sound, on close examination it does not ring true. “Loyalty” indeed has always been inscribed upon the standards under which the Catholic contends for the Faith once delivered to the Saints. But “Liberty” has never been “a watchword of the Catholic position.” The cry for liberty in religion is the cry of the Protestant who demands the freedom to believe and worship as he likes. The Catholic asks to be bound by the loving discipline of Mother Church.

The Bishop evidently intended his charge to be not only for the guidance of his own clergy, but for the purpose of proposing a standard to which, in his judgment, all the clergy of the Church must conform, or expose themselves to the imputation of disloyalty to those things which they solemnly engaged to follow when the Church entrusted them with her ministry.

Nor has he chosen an attractive, alliterative title for mere effect's sake, but again and again in the course of the Charge he returns seriously to the thought of the proper balance be-

tween liberty and loyalty, with repeated definite implications that those who do not agree with what he outlines are disloyal to the Church that gave them their Orders.

"Disloyal" is at best an ugly word. There is no doubt that the average man of any fine feeling would prefer to have almost any charge brought against him rather than this. It is therefore quite natural that those who find that they are in disagreement with the Charge should question themselves very searchingly to see if indeed they have by a mistaken zeal been led into a position which would justly bring them under this condemnation.

The first question every priest and communicant of the Church must ask is, To what must I be loyal? The Bishop gives us his answer: "*Our services, rubrics and canons (whether good or bad) are the expression of the mind of the actual living Church, of which we are members, and to which we owe, and the clergy have promised, allegiance.*"

To these the Bishop argues our loyalty to be due. Whatever canons or rubrics the General Convention enacts, "*whether good or bad*" the Bishop specifically declares,—to these every clergyman must conform or be condemned as disloyal.

In short, the test of the loyalty of the clergy of the Episcopal Church is the latest vote in the General Convention. This vote may be a reversal on some fundamental point of what was required three years ago; it, in its turn, may be reversed three years hence; but the clergy must, however often the Convention may change its mind, follow blindly or be branded as disloyal.

In other words, no underlying principle exists. The whole relation of the clergy to the Church is based upon a shifting expediency. A quasi-infallibility is attached to every General Convention, no matter how it may differ from those that went before it, or that might come after. In short, the only standard of conscience and honour that is allowed to a priest is the rule of the ever-changing majority.

In reply to this, let us say once for all, that no Churchman who accepts the principle that underlay the Anglican Reformation, can for a moment agree to the contention of the Bishop of Vermont. This contention is a novel thing. When men accept the Church's service, either as communicants or clergy, they accept it under a definite covenant to which there are two parties,—the Church on the one hand, and the individual soul on the other. The Reformed Anglican Church when she broke the yoke of Rome and started out on her career of a purer Catholic life made a definite offer by which she sought to draw and hold men to her allegiance. This was the appeal to Holy Scriptures and the pure Faith and practice of the Church of the first five centuries. This offer she has confirmed and repeated in every generation. Men gave her their allegiance on this basis; and if the Anglican Church, or any part of it, by the action of the constituted authorities, should fail in any essential point to be true to this rule of Faith and practice, she would, in common honesty, have no further claim, so far as these points were concerned, on the allegiance of those who had trusted her.

Canon Mason is clear on this point. He tells us in calm judicial language that the teaching and voice of the early Church are of necessity the teaching and voice of the Anglican Church, "*even if it has not been explicitly accepted and professed.*" He goes on to say that even if her formularies, adopted in her solemn councils, "should be found to contradict what is shown by a sounder exegesis to be the meaning of Scripture; if a more thorough knowledge of history should prove that her divines misunderstood the practice and doctrine of the fathers, the representatives of the Church of England to-day would not stand committed to the mistake. The appeal to antiquity has already been provided for them in advance."*

*The Bishop of Vermont in a private letter calls my attention to what he thinks are qualifying passages in two other of Canon Mason's books, and expresses the opinion that he would not apply this principle to

Every action of Convention, Council, or Convocation must be brought to book, and tested by this appeal to antiquity.

In order to hold any brief whatever for the Anglican Church, one must take the position that she was honest in the appeal she made at the Reformation to the Holy Scripture and the teaching of the primitive Church. If we were forced to the conclusion that her repeated insistence upon this appeal was only an effort to deceive, or to salve her conscience, there would be no alternative but to reject her without a moment's hesitation. But because we believe that she was honest, and that she herself has been deceived by designing Protestants, it is our duty in common loyalty to her to exert ourselves to the utmost to bring her to the fulness of what we know was her original intention in the Reformation.

If the General Convention should either by what it does or omits to do, knowingly transgress this principle of appeal to the early Church, then its position would be a repudiation of the Reformation, and no man would be bound to obey. As Dr. Mason says, the appeal to antiquity is provided for us in advance; to this appeal our allegiance is due; and we should be false to ourselves and to the Church if we did not immediately reject any action of those in authority for the time being which might contravene this appeal.

If we mean to be thoroughly honest, this point cannot be too vigorously insisted upon. For example, to say that we appeal to the Church of the first five centuries and then declare it illegal to reserve the Blessed Sacrament for the sick because it is not authorized in a special American canon or rubric, is a hopeless contradiction. To appeal to what the mind of the Church decided in a certain age, and then for centuries to force

Reservation without permission of the Bishop, or to the Invocation of Saints. I think it highly likely that Bishop Hall is right in his judgment; but if he is, it shows not that the principle is overthrown, but only that Canon Mason is inconsistent and illogical and declines to be bound by his own principles.

the indefinite suspension of the operation of every such decision until the local, national Church tells us *whether* or *not* we are to be allowed to conform to it, would nullify the worth of the appeal.

One can understand the position of those who repudiate the appeal, but we are puzzled at the attitude of those who while allowing it, declare that we must not act upon it until every detail has been canvassed and adopted *de novo* by every provincial or national Church.

Of course, we all agree that a provincial or national Church has the right to *regulate* practices. But the prohibition of a practice that had the approval of the primitive Church cannot be said to be regulation. When the state *forbids* a certain crime it cannot be said in any proper sense of the word, to be *regulating* the crime. And when the Church not only does not forbid, but has not even sought to regulate certain practices of the early Church (such, for example, as Reservation of the Blessed Sacrament, Eucharistic Adoration, Unction of the Sick, Prayers for the Dead, Invocation of Saints, etc.) to say that those who adopt them are acting illegally, disloyally, and with moral dishonesty, is an astounding injustice. And the more so when these practices are found to be the general and unreprieved use of the Church, both East and West, in the period to which we are officially referred in order to find purity of Faith and practice.

The larger question of the right of a national Church to forbid that which the early Church approved, it is not necessary to consider here; we refuse to entertain seriously the suggestion that the authorities of the American Church will ever by any formal action force us to take it up. But as we stand squarely on the appeal of the Reformation to the Bible and the primitive Church, undismayed by accusations of disloyalty, we would not seek to avoid the issue were it forced upon us.

As Canon Mason declares, the appeal to antiquity has been provided for us in advance; and the deepest disloyalty would lie in an acquiescence in a violation of this fundamental Charter

of the Anglican Church. This is the Catholic ground, and no compromise concerning it is thinkable.

Nor could there be greater folly, not to say pusillanimity, in considering any compromise. In 1833 John Keble's great Assize sermon on "National Apostasy" sounded the trumpet-call which rallied the Anglican Church once more about her ancient standards. Since that time there have indeed been repulses and disasters, but for more than 84 years the advance has been steady, and to-day God seems about to crown our efforts with a reward beyond what many had ever dared to hope for. "Fear ye not, stand still, and see the salvation of the Lord", is the cry that is now sounding along the ranks of the Catholic forces.

So much for the ground on which we stand and from which we cannot be driven.

Let us proceed now to examine some particular points in the Charge of the Bishop of Vermont, that we might the better understand its significance in relation to the modern revolt against the Reformation appeal.

PRAYERS FOR THE DEPARTED.

Respecting prayers for the dead the Bishop is outspoken. It is indeed satisfactory to find him declaring that the prayers in the Prayer Book, such as that for Christ's Church Militant, though "very general and guarded," yet contain definite petitions for the Faithful Departed. For making this statement Catholics have again and again been accused of disingenuousness. The Bishop states his position as follows: "Any revision of the Prayer Book which did not restore *explicit* petitions for the departed, I for one should consider wholly inadequate to our needs and unworthy of the opportunity."

Thus far we sit at Bishop Hall's feet rejoicing that we have a Father in God who gives us such leadership. But just here we meet our disappointment. The Anglican Church refers her

children to the primitive ages for their doctrine of prayer. Not even the most prejudiced Protestant pretends that the early Church did not teach and use prayers for the dead both in public and private. And yet the Bishop, desiring them as he does, feels it necessary to declare that until the General Convention restores such petitions he cannot think it "within the power of any priest or Bishop to use in the public service collects or prayers that are not given in the Prayer Book, or to observe with its special office All Souls' Day." This is limiting the *jus liturgicum* with a vengeance! Our Bishops everywhere, and of all schools, have for years been putting forth for public use prayers for various needs which "are not given in the Prayer Book," and now we are told that if such prayers include petitions for the dead they are lawless.

But the Bishop's position is more than a limiting of that *jus liturgicum* which is essentially inherent in the Episcopal office, and which no local Church can either give or take away by means of rubric or canon. It contravenes a positive direction of the Prayer Book. The fourth rubric "Concerning the Service of the Church" declares that for "special occasions for which no service or prayer hath been provided in this Book the Bishop may set forth such Form or Forms as he shall think fit, in which case none other shall be used." (p. vii). In the face of this explicit authorization the Bishop of Vermont says: "I cannot think it within the power of any Priest or Bishop to use in the public service collects or prayers that are not given in the Prayer Book, or to observe with its special office All Souls' Day."

We can think of one ground only upon which the above position could be justified. This would be when the prayers in question were subversive of the Church's Faith. But the Bishop in the same paragraph gives it as his judgment that prayers for the dead are a "catholic and primitive practice." The logical discrepancy here is difficult to adjust.

INVOCATION OF SAINTS.

In respect to Invocation of Saints the Bishop again sets aside the appeal of the Anglican Reformation. His position here is different from that which he holds concerning Prayers for the Departed. The latter he advocates; but in spite of the fact that the early Church believed and practised asking the departed Saints to pray for us, he warns against such a custom, and not only will not hear to such prayers in any public service, but seriously presents the old Protestant arguments concerning the imaginary dangers of the custom. He says: "The warnings of history and experience are not to be disregarded in such a matter." So say we. History shows that St. Augustine, St. Ambrose, St. Chrysostom, St. Jerome, and a host of the other great teachers of the Church, men to whose authority the Bishop himself, in his valuable theological writings, constantly appeals, believed in and practised Invocation of the Saints. They taught it to their people, and universally recommended it as a pious and wholesome devotion.

The Bishop thinks that the practice has been abused, and he is certainly right in this opinion. But *abusus non tollit usum*. Many other things were abused in the so-called dark ages, but the Church did not for that reason cast them away, but purified them and restored them to their proper place.

We are not concerned now to go into the subject of the English Church's alleged abolition of Invocation of Saints in the later Reformation. Suffice it to say that if she did abolish the practice and repudiate the doctrine then she clearly proved that she was either ignorant or dishonest in her appeal to the period of the Councils, and as Canon Mason assures us, we are not, under these conditions, committed by her action. If, for example, the XXXIX. Articles, as some have thought, abolished Invocation of Saints, then the question is simply whether the Article is to override and correct the primitive and universal Church, or the primitive and universal Church the Article.

It is to be regretted that in listing the authorities on the Invocation of Saints the Bishop gives no author save Dr. Swete, who agrees with his own position. It would have afforded his readers a less one-sided view of an important subject had he referred them to some such work as Dr. Darwell Stone on "The Invocation of Saints." Dr. Stone is a cautious theologian, and is universally acknowledged as one of the first living scholars in the Church. His conclusions are diametrically opposite to those of Bishop Hall and Dr. Swete. So also are the conclusions of Dr. Percival in his book "The Invocation of Saints," perhaps the most serious work that has yet been produced in the Anglican Church on this particular subject.

He might also have mentioned the learned Bishop Forbes of Brechin, who in his exposition of the XXXIX. Articles shows clearly what is the Catholic and Anglican teaching concerning the Saints; also the elder Forbes who was Bishop of Edinburgh in the first half of the 17th Century. All of these great scholars believe in invoking the Saints as is done at the present day by Catholics in the American Church.

THE RESERVATION OF THE BLESSED SACRAMENT.

Bishop Hall does not believe in Reservation of the Sacrament for the purposes of devotion. He does believe in reserving for the sick under what he would regard as proper restrictions. He says unqualifiedly that such reservation "has the sanction of the earliest ages," and adds that "it would in my judgment be very desirable to revive among ourselves, with proper safeguards, the authoritative permission to reserve the Sacrament for the Communion of the Sick, whether with the restrictions of the English Prayer Book of 1549 —only on days when there was a public Communion in the Church, or to meet the needs of large populations, and of sudden calls, as a more general custom."

The Bishop believes that Reservation for the sick is "very desirable" in itself; he asserts that it "has the sanction of the

earliest ages;" and the Church in which he ministers, again and again points her Bishops and clergy to "the earliest ages" for their guidance. And yet because at the same time she provides that there may be a Celebration in a sick man's house, he takes this provision to be tantamount to a prohibition of reservation. But when we look back to the "earliest ages" we find that both practices then obtained. Although it was exceptional to celebrate in a private house in patristic times, and latterly there were canons against it, yet many exceptions were allowed; and an English canon of the time of Aelfric allows it "in case of necessity or if a man be sick,"—practically our present rule. But side by side with this authorization was the custom of reserving, and no one dreamed that the two were contradictory.

Moreover for nearly half a century in the post-Reformation English Church, in the Latin Prayer-Book of 1560, there was a rubric allowing reservation, while at the same time the Communion Service for the Sick in a private house was provided. Among the authorities of the Church during this period were such men as Archbishop Parker, Jewel, Grindal, Andrewes, etc., and it did not occur to them, so far as we have been able to find, that the two things were contradictory. So this notion seems to be entirely novel.

It is also to be noted that in the primitive Church Reservation was a custom that existed just as it exists amongst us to-day,—that is, without being supported by any formal canon; and along with it we hear of Celebrations of the Eucharist in private houses. If the two could stand together during the early centuries of the Church, there is no valid reason why they cannot stand together amongst us now. Else, we ask again, what is the worth of the appeal to the primitive Church?

In a note printed in *The Holy Cross Magazine* (October, 1916, p. 43.), explanatory of his Charge, the Bishop takes the definite position that it is contrary to the law of the Anglican Church to reserve for the sick. In explaining his reference to the Pastoral Letter of the House of Bishops in 1895, he takes

direct issue with that Pastoral, and says, "I do *not* believe that a Bishop has any right to authorize Reservation," and refers to such possible action on the part of a Bishop as "setting aside" "the law."

Though he makes no mention of it, he seems to regard the action of the civil government of England in 1552 in dropping the Reservation rubric of 1549, as binding upon the American Church. It will be recalled that the Zwinglianized Prayer Book of 1552 never was accepted even by the English Church, although its use was for a short period of about eight months forced upon the clergy by the rough hand of the State. We fail to see, then, how we can be bound by it here in America.

Nor does the Bishop take into consideration the fact that the authorization of 1549 was restored in 1560 in the Latin Prayer Book set forth for use in the universities, which we have referred to above, which book continued in force until well into the reign of James I. in the following century.*

Bishop Hall ignores the many canons of the pre-Reformation Church which ordered Reservation, and seems to regard them all as obsolete. In this position he is at one with a majority of our American Bishops. The House of Bishops made this quite clear in the Pastoral of 1895. This Pastoral dealt with several important issues, and created a sensation at the time of its publication. It contained the statement that "reserving the Sacrament is not sanctioned by the law of this Church," but went on with baffling inconsistency to say that any isolated Bishop had the right to permit it.

Catholics object categorically, of course, to the statement that Reservation "is not sanctioned by the law of this Church." When at the Reformation she took her stand on primitive Chris-

*Omission is not tantamount to prohibition unless the history of the case shows that such was expressly intended. Bishop Hopkins says: "That *omission* and *prohibition* are precisely equivalent is an absurdity so gross that I cannot suppose any reasonable man would deliberately adopt such a preposterous proposition." -*Law of Ritualism*, p. 78.

tianity, she then and there sanctioned this custom, which we find mentioned as commonly practised within about forty years of the death of St. John.

But besides the Church's appeal to primitive use, we believe a case in law can be made out for our position.

It is certain that when the Reformation began, every parish priest in England was bound by English canon law to maintain the constant Reservation of the Sacrament for the sick. It is equally certain that these canons were never repealed. On the contrary, when Henry VIII. wished to repeal all previous Church Law and start *de novo*, for once the Church stood firm, and not only saved the old canons, but wrung from Henry an act to the effect that in spite of the break with Rome, all canons then in force should remain so until revised. The only revision of the English canons that has been made since Henry's time is that of 1603, and no canonist, so far as we know, has ever interpreted the work of 1603 as effecting the sweeping repeal of all previous Church law. And the authorities have repeatedly decided that, except where changed by our own legislation, the English canon law binds the American Church. The Preface of the American Prayer Book also declares this, protesting that "this Church is far from intending to depart from the Church of England in any essential point of doctrine, discipline or worship."

In regard to the omission of rubrics in the English Prayer Books, it is seriously questioned whether such omissions, even if they intended prohibition, could effect the repeal of a canon. Does not a canon take precedence of a direction as to the mere method of administering a Sacrament? In at least one case in the American Church the canon completely overrides the Prayer Book. The Marriage Service in the Prayer Book in emphatic language declares marriage to be indissoluble. The officiating minister must inform the contracting parties that their union continues "so long as ye both shall live." But the General Convention by the simple passage of a canon many years ago swept aside the Prayer Book, and permits both divorce and remarriage after divorce.

In no event, however, does it seem possible that the omission of a rubric which merely *authorized* a certain act at the discretion of the priest, can effect the repeal of a canon that *commands* the same act.

Some very respectable authorities (all of them theologians, we believe) claim that even if the treatment of the Prayer Book rubrics did not abrogate these pre-Reformation canons, they are nevertheless obsolete and have lost all force through disuse. But this is not a question so much for theologians as for lawyers. Can desuetude emasculate a statute law of all force? The famous English canonist, Dr. Lushington, who certainly never held a brief for the Catholic movement, stated a generally accepted principle when he declared: "No statute can be affected by non-usage," and Bishop Hall's distinguished predecessor, Bishop Hopkins, commenting with approval on this statement says: "It needs the authority of the legislature itself to alter what the legislature has established. No other power but that which creates can destroy the law. The *omission* to legislate cannot alter the law. The neglect to obey it cannot alter the law. The creation of a prejudice against it cannot alter the law. In a word, no law can be deprived of its binding obligation, until some other law is passed, which, of necessity, does it away."*

It is to be remembered that Bishop Hopkins was one of the greatest canonists the American Church ever produced, and before taking Holy Orders was, as he has been described, "a lawyer of great ability and learning."

So, it is very evident that the Constitutions of Archbishop Peckham, and other pre-Reformation laws requiring the priest to reserve did not, and cannot become dead-letters through disuse, even had they not been reaffirmed as was formally done in Henry's reign.

But even should we grant that disuse has abrogated the

*See Hopkins: *Law of Ritualism*, pp. 78-80.

binding force of these old canons, and that the parish priest is no longer under obligation to reserve, we find that those who oppose Reservation are not content with this. They declare further that because these laws were persistently violated, and because the Bishops so neglected their duty in enforcing them that they became obsolete, it is now lawless and disloyal for any priest to do what they unconditionally command. We confess that this kind of logic bewilders us.

But to return to the consideration of the Pastoral of 1895, let us for the sake of seeing what the argument involves, suppose it to be right in its opinion that "reserving the Sacrament is not sanctioned by the law of this Church," and that it is therefore lawless for any priest to do so. Who then made it lawful for the Bishop? Are our Fathers in God arbitrary rulers, every one a law to himself, or are they, together with their clergy, bound by the Church's law?*

In the absence of any canon giving the right to the Bishops, we are constrained to reiterate the claim that the Reservation of the Sacrament lies within the discretion of the parish priest, and that any Bishop seeking to forbid it would be acting quite as *ultra vires* as if he attempted to limit the frequency with which a rector celebrated the Holy Communion. If we have overlooked any law of the Church that accords episcopal privilege in this matter we should be grateful to be reminded of it.

EUCCHARISTIC ADORATION

Some sixty years ago Dr. Pusey and Mr. Keble both made extended research in the writings of the Reformers and post-Reformation divines, and produced series of extracts to show that many of them believed and taught the worship of our Lord

*It must be remembered that a Pastoral Letter of the House of Bishops, while to be received with the profoundest respect, is not binding upon any one. It has no force beyond that which attaches to the opinions of those who sign it.

objectively present in the Blessed Sacrament under the forms of bread and wine. These extracts have since been used repeatedly by writers on the subject of Eucharistic Adoration, and one of the significant signs of the times which witnesses to the revolt against the Reformation appeal to the primitive Church, is the almost frantic desire among men of varying schools of churchmanship to show that these quotations were made either ignorantly or dishonestly. It is evidently thought by many of them that if it could be proved that the Reformation and post-Reformation divines held no such doctrine, this would once for all settle the point, and dispose of such teaching so far as the Anglican Church was concerned. They seem to recognize no appeal to the doctrine and practice of the Fathers.

But whatever Catholics may think of these quotations, the question of their accuracy or fairness does not enter into the present issue. The Reformers were not engaged in inventing anything new. They were witnesses to the old, and if they bore false or ignorant witness, so much the worse for them. The Church does not refer us to them for our Faith and practice.

The ground upon which Catholics adore our Lord present in this august Sacrament should be clearly understood. The American Church has never formally sanctioned Eucharistic Adoration, and we are not specially interested that it ever should. Such action is unnecessary and would be superfluous. Were the three orders in the Convention unanimously to enact a law peremptorily commanding Eucharistic Adoration, it could not add a feather's weight to the obligation that now lies upon every Christian. We worship Him in the Sacrament not because any ecclesiastical law says we may or must, but simply because He, Very God of Very God, is present in the Sacrament, and wherever He is He must be worshipped.

Bishop Hall tells us that we can expect to find no blessing in the Sacrament unless we confine our use of It to the purposes for which It was instituted. We cannot but think that this principle, consistently applied, would destroy the Christian

Religion. For example, the Son of God did not become Incarnate for the special purpose of giving men the opportunity of worshipping Him in His Sacred Humanity. But we are bound nevertheless to do so, and all Christians agree in condemning those who refuse Him this worship. Nor did He institute this Sacrament for the special purpose of being worshipped under the forms of bread and wine; yet those who refuse to worship Him there, (though in their ignorance or prejudice, they may be sincere) are refusing to worship God.

THE UNCTION OF THE SICK.

Unction, rightly administered, finds its warrant in the words of St. James 5:14-15. Bishop Moberly goes so far as to call it "the precept of the Apostle," and the Rev. Leighton Pullan speaks of it as an "important rite commanded in the New Testament," any prohibition of which, he says, would be "a very serious break of Catholic order."*

But Bishop Hall would have this apostolic exhortation ignored, unless the Church includes it in her formal rites. The case seems plain. The Scriptures distinctly authorize and exhort the ministers of the Church to perform a certain service. Does the Bishop mean that "individual priests and Bishops" cannot move in the matter until the General Convention has placed its imprimatur on this scriptural authorization? We have a profound veneration for our national council, but we confess that our veneration does not extend quite so far.

Let us here appeal from one Bishop of Vermont to another Bishop of Vermont.

The learned Dr. Hopkins, Bishop Hall's predecessor, speaking of the omission of the service of Unction and other like provisions from the Prayer Book, says: "Here I would observe that although these were left out yet there has been no con-

*Pullan: *The Christian Tradition*, pp. 217-18.

demnation of them. The case is much the same as that of lay baptism. The Church recognized its validity in the first Book of Edward VI, and directions were laid down for its performance when a priest could not be called in time. These directions were left out afterwards but no prohibition was put forth, nor has any well-informed Churchman ever doubted that a layman may lawfully baptize in the hour of extremity, just as before."*

Would Bishop Hall say that lay baptism was unlawful? If he thinks it disloyal for a priest to use the service of Unction for a sick man, he must by the same token refuse to allow a layman to baptize the same man *in extremis*. Our Church has dealt with the two practices in the same manner.

The right to change and regulate rites and ceremonies belongs indeed to national Churches, but in the Preface, entitled "(Of Ceremonies" retained in their last revision of the Prayer Book in 1661 the Reformers tell us that this applied only to those which were "men's ordinances." Certainly a practice that is set forth in the New Testament cannot be said to be of "man's ordinance," and we humbly submit the contention that no ecclesiastical authority has the right to forbid or suspend anything set forth by the Holy Ghost in the New Testament.

THE LAWS OF MARRIAGE.

Regarding the laws of marriage the Bishop's utterances are difficult to understand as they are so clearly inconsistent with his well-known position. He is one of the last men who would say a word in favour of laxity. His position as only recently declared, is one that every rightminded Churchman must rejoice to follow. But his method of dealing with the subject in his Charge is open to misunderstanding that is almost certain to do harm.

For example it is impossible to accept his statement that the Church's sanction and recognition of a marriage "is pre-

*Hopkins. *The Law of Ritualism*, p. 72.

eminently a matter of Ecclesiastical Discipline." It is a matter of divine law written plainly in the pages of Holy Scripture, and no one would allow that the General Convention has any authority to abate the force of the Scriptural precepts.

The Bishop of Vermont, however, tells us that no matter what may be his personal view concerning a marriage, "the individual clergyman is bound to observe and enforce the Church's rules." The Church at the present time rules that the "innocent party" to a divorce suit on the ground of marital infidelity may marry again and still demand the right to receive the Holy Communion. Holy Scripture says that such a person is living in adultery. In short, the American Church tells its clergy that they must give Holy Communion to a person who, according to the New Testament is living in open adultery, and the Bishop says that they are bound to observe and enforce this rule. In other words, the logic of Bishop's Charge would not only accord to the Convention the right to nullify the Scripture precept, but declares a clergyman disloyal who would refuse to obey the Convention's behest in this matter.

The Bishop's position is further complicated by his acknowledgment that our present canon on marriage needs to be brought "*more strictly* in accordance with the teaching of Holy Scripture," and yet he would require the clergy to refrain from a strict following of the Scriptural teaching until the General Convention has given them permission to do so. We cannot see our way to ascribing so high an authority to the Convention.

Nor can we admit varying degrees of strictness of adherence to the teaching of Holy Scripture. Imagine a new bank clerk saying to his employer: "I understand about my duties, but I should like to ask, what degree of strictness in adhering to the eighth Commandment do you require in this bank?" Surely if a business man demands an unvarying adherence to the eighth Commandment the clergy cannot be less strict regarding the seventh.

If the canons of the Church are not absolutely in accord-

ance with the teaching of the Bible, then the "individual clergyman" is bound under pain of sin to ignore the canons, any action of the Convention, to the contrary notwithstanding. To admit of any compromise concerning remarriage after divorce, or concerning the Communion of persons divorced and remarried, would surely be to substitute the commandments of men for the doctrines of God.

The Bishop's contention is the more inexplicable because along with not a few reverent and conservative scholars, he believes the exception that appears in St. Matthew's Gospel—"except it be for fornication,"—to be a later interpolation, and not a part of our Lord's words or of the original Gospel. He has of late set forth this view very ably in the Church papers.

If the General Convention should take so unfortunate a course as to perpetuate the clause in the present canon which thus nullifies the New Testament teaching, there are clergy everywhere who will ignore the canon, regardless of any imputation that in so doing they will be acting in disloyalty to the Church whose doctrine, discipline, and worship they solemnly engaged to follow. When this doctrine, discipline, and worship run counter to Holy Scripture, there can be no question in which direction our loyalty lies; and it will gain a priest no acquittal from God for violating the plain direction of the Bible if he weakly seeks to throw the responsibility of deciding the matter on the Bishop of the Diocese, as our unhappy canon provides that he shall do.

Never in the history of the world has marriage been held in lighter regard than in the United States to-day. Two years ago the United States Government published statistics of divorce in this country for the period 1887-1906. In every single year the divorces increased greatly. In 1887 there were 483,069 marriages, and 27,919 divorces, being one divorce for every 17 marriages. By 1906 the number of marriages had not quite doubled, while the number of divorces was *almost three times as many* as in 1887. The figures were 853,290 marriages and 72,062

divorces. The full divorce statistics since 1906 are not available, but the increase during the past ten years has been appalling.

Let us take two thoroughly representative states in widely separated parts of the country—California and Ohio. In a recent article in the *Christian Statesman*, Judge Thomas, of California, tells us that from 1910 to 1914 the ratio of divorce to marriage in one California county was one to 4.15. In a second county it was one to 3.63; while in a third it reached the astonishing proportion of one divorce to every two and three-quarter marriages.

This is bad enough, but let us go to an older and far more populous state, Ohio. Judge Fritch, of the Summit County Court, is quoted as authority for the statement that in this county, of which Akron with its 120,000 population is the capital, there were during the first six months of 1916 no less than 341 divorces, *an increase of 65 per cent over the same period of 1915*. Marriage licenses, he says, are being issued at the rate of 100 a month; while the court records show that divorce cases are being filed at the rate of 50 a month.

With such a horrible condition confronting the Church as it meets in its great triennial Council, it must be every Christian's earnest hope and prayer that the delegates will contend for the strongest position regarding the inviolability of marriage, and hearken to no counsel that would perpetuate a canon which is clean contrary to the Voice of God.

In concluding these considerations we would not recede for a moment from what we said in the beginning, that there is much ground for thanksgiving in Bishop Hall's Charge, but on the whole it is a pronouncement that saddens us. Few publications emanating from Anglican Bishops have so broken with the principle of appeal to primitive Christianity. We do not ignore the fact that it is sometimes difficult to decide just what was the practice of the early Church. Nor do we ignore the

fact that amidst the as yet undeveloped conditions of the first centuries customs arose which cannot be followed, and which the wisdom of the Church herself afterwards sought, perhaps not always successfully, to abrogate. But we think none of the questions raised by the Bishop falls into these categories. The teaching and practice of the early Church regarding them all is clear.

The real question that the Charge raises is whether the Anglican Church is prepared to depart from the tradition of her Fathers, whether she is to set up an new twentieth-century standard of Faith and practice, or whether she will hold fast to her principle that "the old is better."

A very practical question now suggests itself. Who is to be the judge on any given point whether or not the Church is standing true to her appeal to the Bible and the primitive ages? The question is a delicate one, but we do not think it difficult to answer. It is one that depends upon plain historical facts, and in order to secure the right presentation of the facts we must turn to those who are learned in the Church's history. Neither Bishop nor priest would presume to decide for himself.

Take for example the points in Bishop Hall's Charge that we have considered. There is no question regarding Prayers for the Dead in the early Church. We know just what was believed and practised. In regard to Invocation of Saints, when such distinguished scholars as Dr. Darwell Stone, Dr. Percival, and the two great Bishops Forbes, agree, no reasonable man can remain in doubt. Again, when a man of the learning and caution of the Bishop of Vermont tells us that Reservation of the Sacrament "has the sanction of the earliest ages," we would accept his statement without question. Regarding Eucharistic Adoration the witness of such profound scholars as Dr. Pusey and Mr. Keble, must suffice. The testimony of Bishop Moberly

and Mr. Pullan concerning Unction is sufficient to indicate our duty; and when we can summon St. Paul as a witness to the meaning of our Lord's teaching on Marriage and Divorce the cause is ended.

There may, however be some questions the answers to which would be doubtful. Here would enter the moral principle *In dubio nil*, in doubt do nothing; and under these circumstances every man regardless of his private views would be bound in both conscience and honour to give the benefit of every doubt to the authority of the National Church, whether in the particular case it be represented by the General Convention or by the diocesan Bishop.

And this submission to be truly Catholic, must not be merely technical, but whole-hearted and frank. In a crisis like this the Catholic must ask for no liberty save that which will give him freedom to exercise his loyalty.

For example, one of the most precious privileges of the priest is that of ministering absolution to sin-laden souls in the Sacrament of Penance. But should the General Convention enact laws whereby the Bishops would be called upon to appoint certain learned and discreet priests for this particular ministry, and forbid all others to exercise it, we should obey without hesitation. The Convention would be acting within its powers of discipline, and no Catholic would demand to be freed from the operation of the law. The true Catholic does not cry out for liberty: he studies to be loyal.